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NASA Procedural Requirements

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COMPLIANCE IS MANDATORY FOR NASA EMPLOYEES

Anti-Harassment Procedures

Responsible Office: Office of Diversity and Equal Opportunity

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Preface

P.1 Purpose

a. The overarching goal of the Anti-Harassment Program is to provide for early intervention and prompt resolution of allegations of harassing conduct. This NASA Procedural Requirements (NPR) document establishes Agency-wide procedural requirements under which NASA employees, contractors, student interns, participants in Agency conducted programs, and other onsite personnel shall report allegations of harassing conduct. NASA has an affirmative obligation to maintain a harassment-free workplace and to take prompt and effective action when allegations of harassment arise. The NPR identifies roles and responsibilities for the coordination of anti-harassment efforts at the Agency and Center levels and provides guidance and instruction to NASA supervisors and managers on receiving, coordinating, reviewing, processing, and resolving allegations of harassing conduct. It is the Agency's intent to appropriately investigate and address a wide variety of alleged behaviors. While this NPR outlines one process of investigation and resolution for behaviors that may be deemed harassing, the Agency's goal is simply to ensure that employee concerns are addressed. The deciding official will determine, in conjunction with advice from the Center Anti-Harassment Team (CAHT) (see Section 1.8), to determine which process is best suited to address any individual allegation of harassment.

b. These procedures will assist NASA in fulfilling its obligations to:

(1) Provide a harassment-free workplace.

(2) Address harassment before it becomes "severe or pervasive."

(3) Conduct a prompt, thorough, and impartial investigation into allegations of harassing conduct.

(4) Take immediate and appropriate corrective action when the Agency determines that harassing conduct has occurred.

(5) Provide a mechanism for coordinating resolution of employee complaints brought to management's attention, even if the alleged behaviors do not rise to the level of harassment pursuant to this NPR.

c. The Equal Employment Opportunity Commission (EEOC) issued its Management Directive (MD)-715, which requires that model EEO programs issue policies and procedures to address harassment in the Federal workplace. In its technical assistance document, "Model EEO Programs Must Have An Effective Anti-Harassment Program," EEOC directs Federal agencies to create work environments that are free from sexual and other forms of harassment. EEOC further states that anti-harassment policy and procedures do not exist for the same purposes as the EEO complaints process. The EEO complaints process is designed to make individuals whole for discrimination that already has occurred. For example, where discrimination is found to have occurred, make-whole relief may include damage awards and equitable relief paid by the Agency, designed in part to have the effect of preventing the recurrence of the unlawful discriminatory conduct. The internal anti-harassment process, on the other hand, is intended to take immediate and appropriate corrective action, including the use of disciplinary actions, to eliminate harassment regardless of whether the conduct violated the law.

d. This directive encompasses:

(1) conduct that is unwelcome, verbal or physical, regardless of whether it is based on an individual's race, color, sex (including pregnancy), national origin, religion, age, disability, sexual orientation, status as a parent, genetic information, gender identity, or retaliation, when: (a) the behavior can reasonably be considered to adversely affect the work environment or (b) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct (see definition of "harassment," Appendix A).

(2) This directive is not intended to be the exclusive avenue for individuals to raise workplace concerns or issues, for example, other avenues include the Office of the Chief Human Capital Officer, Ombudspersons, and the Employee Assistance Program. The CAHT will advise management on whether to use the process established under this NPR or another internal administrative process, with the deciding official making the determination as to which process to use.

(3) A non-exhaustive list of illustrative examples of behavior inconsistent with NASA's anti-harassment policy include, but are not limited to, the following:

(a) Threatening that rejection of sexual overtures will affect appointments, promotions, transfers, or evaluations or affect any other employment-related actions.

(b) Making sexually suggestive comments or gestures, including offensive comments, jokes, or suggestions about an employee's gender or displaying nude or sexually suggestive objects, pictures, images, or cartoons.

(c) Belittling persons based on protected characteristics identified in (1) above, including repeated jokes, teasing, mimicking, or commenting on an individual's protected characteristic;

(d) Retaliating against an employee who raises a harassment allegation.

(e) Bullying, intimidating, or threatening behavior.

(4) This policy is not intended to cover matters delegated under other authorities, for example, allegations of waste, fraud, and abuse, which should be reported to the Office of Inspector General; concerns relating to security or clearance matters, which should be reported to the Office of Protective Services; misconduct, which should be reported to the Office of the Chief Human Capital Officer; or other concerns for which an existing administrative mechanism exists (e.g., such as performance appraisals).

e. The process established under this NPR specifies management's obligation to address a claim of harassment regardless of whether the alleged harassee requests that the allegations be kept confidential or that no action be taken.

P.2 Applicability

a. This directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers. This language applies to the Jet Propulsion Laboratory (JPL), a Federally Funded Research and Development Center only to the extent specified or referenced in the applicable contracts. The Office of the Inspector General has statutory independence and may create a separate anti-harassment procedure that more effectively meets its

needs.

b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term “shall.” The terms: “may” or “can” denote discretionary privilege or permission, “should” denotes a good practice and is recommended, but is not required, “will” denotes expected outcome, and “are/is” denotes descriptive material.

c. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

d. This directive is applicable to NASA directives developed or revised after the effective date of this NPR.

P.3 Authority

a. Age Discrimination in Employment Act of 1967, 29 U.S.C. § 633a.

b. Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794, and 794a.

c. Vietnam Era Veterans Readjustment Assistance Act of 1974, 38 U.S.C. § 4214.

d. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-16.

e. Genetic Information Non-Discrimination Act of 2008, 42 U.S.C. §§ 2000ff-2000ff-11.

f. Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

g. Further Amendment to E.O. 11478, Equal Employment Opportunity in the Federal Government, E.O. 13087, 3 CFR §13087 (1998).

h. Further Amendment to E.O. 11478, Equal Employment Opportunity in Federal Government, E.O. 13152, 3 CFR 13152 (2000).

i. EEOC Management Directive 715 (October 1, 2003). ¹

j. NPD 3713.2, Federal Equal Opportunity Programs of NASA.

¹ EEOC MD 715 may be accessed at: <https://www.eeoc.gov/federal/directives/md715.cfm>.

P.4 Applicable Documents and Forms

a. Privacy Act of 1974, 5 U.S.C. § 552a. b. Adverse Actions, 5 CFR Part 752.

c. NPD 2025.1, NASA Ombuds Program.

d. NPR 1382.1, NASA Privacy Procedural Requirements.

e. NRRS 1441.1, NASA Records Retention Schedules.

f. EEOC Enforcement Guidance, Vicarious Employer Liability for Unlawful Harassment by Supervisors (June 18, 1999). ²

g. EEOC, Model EEO Programs Must Have An Effective Anti-Harassment Program (September 2005).³

² This document is accessible at <https://www.eeoc.gov/policy/docs/harassment.html>.

³ This document is accessible at https://www.eeoc.gov/federal/model_eeo_programs.cfm.

P.5 Measurement/Verification

a. In order to determine if the process specified in this NPR is functioning effectively and efficiently, Center Anti-Harassment Coordinators (CAHCs) shall annually evaluate the operations and success of their Center's Anti-Harassment process in consultation with the Office of Diversity and Equal Opportunity (ODEO) and cooperate with data-gathering and other evaluation activities. These will include, for example, reporting on the number and bases of allegations over time and ensuring that the fact finding and other actions taken in response to allegations are in accordance with the requirements of this directive.

b. CAHCs shall maintain case files pertaining to this NPR, in accordance with NRRS 1441.1, NASA Records Retention Schedules.

P.6 Cancellation

NPR 3713.3, Anti-Harassment Procedures, dated October 6, 2009.

Chapter 1. Roles and Responsibilities

1.1 Employees

1.1.1 It is the responsibility of all employees to refrain from engaging in harassing conduct.

1.1.2 It is the responsibility of NASA employees, contract employees, or interns who believe that they have been the victim of harassment in violation of NASA policy by another civil service employee, contractor, or anyone at a NASA facility as defined in P.2, to report the matter immediately to their supervisor, the Center Anti-Harassment Coordinator (CAHC), or other official(s) as designated by the Center Director, in accordance with U.S. Equal Employment Opportunity Commission (EEOC), Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors.

1.1.2.1 In the event the person to whom the alleged harassment is reported fails to respond promptly (e.g., acknowledge receipt of complaint within three (3) days), the employee should immediately report the alleged harassment to the CAHC, who shall then begin the prompt processing of the allegation.⁴

1.1.2.2 In the event that the employee's first-line supervisor is the alleged harasser, the employee should contact the second line supervisor, the CAHC, or other official(s) as designated.

1.1.2.3 An employee who wishes to file an EEO complaint shall contact his/her Center Office of Diversity and Equal Opportunity (ODEO) within 45 days of the alleged harassment pursuant 29 CFR pt. 1614.

1.1.3 Any employee who contacts the NASA Ombuds Office regarding an allegation of harassment does not put the Agency on notice that a harassment allegation has been made unless the alleged harassment is a crime, consistent with NPD 2025.1, NASA Ombuds Program.

1.1.4 All employees have a responsibility to cooperate in any fact finding regarding an allegation of harassment.

⁴ All references are to calendar days.

1.2 Supervisors and Managers

1.2.1 Supervisors and managers are responsible for maintaining a work environment free of harassment.

1.2.2 Supervisors or managers who observe or are made aware of allegations of harassing conduct as defined below shall:

- a. Act promptly and effectively to conduct fact finding into the alleged harassing conduct through this directive or via another internal administrative process.
- b. Implement corrective or disciplinary action as appropriate and necessary.

1.2.3 In responding to allegations of harassing conduct, supervisors and managers shall:

- a. Upon receipt of the allegation, consult immediately with the CAHC, who, in turn, will consult with other members of the CAHT (see Sec. 1.8) to determine whether the allegations will be most effectively resolved through this NPR or via another appropriate course of action. The CAHT is normally comprised of the CAHC and subject-matter experts from the Center Office of the Chief Human Capital Officer (OCHCO) and the Office of the General Counsel (OGC), the Office of Diversity and Equal Opportunity (ODEO) as needed, as well as other appropriate officials on an as-needed basis consistent with this NPR.
- b. Acknowledge or coordinate with the CAHC to provide acknowledgement of receipt of the allegations in writing to the alleged harassee as soon as possible (ordinarily not later than three (3) days).
- c. Provide appropriate interim relief, as necessary and if applicable, in consultation with the CAHT.
 - (1) Supervisors and managers shall apply interim relief so as not to unduly burden the alleged harassee and ordinarily will take no action based on the alleged harassee's report of allegations (e.g., transfer to another office) without their consent absent legitimate business justification.
 - (2) Except in very limited circumstances, the alleged harasser, rather than the alleged harassee, shall be the person regarding whom action is taken.
- d. Determine the scope of the fact finding, based on the alleged harassing conduct.
- e. Act as or designate the Fact Finder to conduct fact findings into allegations of harassment where fact finding is necessary (see Sec. 1.12).
- f. If acting as the Fact Finder, conduct, after consultation with the CAHT and other officials as appropriate, any fact finding that may be necessary.
- g. Serve ordinarily as the decision maker in the case and take appropriate corrective action, including disciplinary action, as necessary after consultation with the CAHT, and follow applicable procedures for disciplinary action.
- h. Notify the alleged harassee and alleged harasser of whether or not there was a finding of harassment, consistent with Privacy Act of 1974, 5 U.S.C. 552a as amended.

1.2.4 The decision maker will ordinarily be the first-line supervisor or the next higher-level manager or supervisor in the chain of command, absent circumstances as identified in Section 1.2.5.

1.2.5 If the CAHT recommends at any point in the process that potential conflict issues exist with keeping the decision-making process in the chain of command of the alleged harassee, the CAHT shall elevate the issue to the next highest-level official (without a conflict) to consider whether another manager or supervisor, in or out of the chain of command who has not been named or otherwise involved with the allegation, shall serve as the decision maker and perform the responsibilities outlined in this directive.

1.2.5.1 In making this determination, the conflict of interest official shall consider the following factors as advised by the CAHT (the more serious or complex, the more likely to be moved outside the chain of command or organizational structure):

- a. Severity of the allegations.

- b. Complexity of the allegations (e.g., more than one Center is involved).
- c. Potential for, or appearance of, conflicts of interest to arise.
- d. Any other reasonable basis.

1.2.5.2 In cases in which the decision maker is outside the chain of command or organizational structure of the alleged harasser and in which it is determined that disciplinary or other corrective action is required, the decision maker shall coordinate with the alleged harasser's supervisory chain to implement appropriate corrective action.

1.3 Associate Administrator, Office of Diversity and Equal Opportunity (ODEO)

1.3.1 The Associate Administrator (AA), ODEO is responsible for:

- a. Establishing and maintaining the Anti-Harassment Program (AHP), in consultation with the Office of the Chief Human Capital Officer and the Office of the General Counsel.
- b. Informing the AA on progress, problems, or deficiencies relating to the program.

1.4 Director, Equal Opportunity Programs Division (EOPD)

1.4.1 The ODEO Director, EOPD shall:

- a. Direct the Agency AHP, including developing and overseeing the effective implementation of the procedures that guide the program.
- b. Designate an individual to serve as the Agency Anti-Harassment Coordinator to serve as the day-to-day program manager.
- c. Develop an annual report on the state of the program.
- d. Provide feedback for CAHC performance appraisals.

1.5 Agency Anti-Harassment Coordinator

1.5.1 The Agency Anti-Harassment Coordinator shall:

- a. Provide advice and guidance on appropriate and effective execution of the AHP requirements Agency wide.
- b. Interface quarterly with the CAHCs (see Sec. 1.7) regarding all matters pertaining to anti-harassment.
- c. Monitor and assess, in consultation with the CAHCs, the effectiveness of the Center anti-harassment efforts within the purview of this directive, including maintaining information on the number of allegations of harassment, the bases for the allegations, actions taken, challenges, promising practices, and barriers with the objective of improving program functioning.
- d. In coordination with the Office of the Chief Human Capital Officer and the Office of the General

Counsel, develop training and technical assistance for the Agency Anti-Harassment policy and procedures, including, but not limited to:

- (1) Training for designated CAHC and Fact Finders.
 - (2) Training (virtual and classroom) for all new managers and supervisors on Agency anti-harassment policy and procedures and periodic training for managers and supervisors.
 - (3) Incorporation of training modules into employee orientation materials (e.g., handbooks and brochures).
 - (4) Consultation with Centers on their own education and awareness efforts regarding anti-harassment.
- e. Development of AHP informational materials (e.g., fact sheets and brochures) for Agency-wide dissemination.

1.6 Center Director

1.6.1 The Center Director at each Center and the Associate Administrator for Mission Support at Headquarters shall appoint an individual to serve as the Center Anti-Harassment Coordinator and may formally appoint other officials such as alternate CAHCs to establish multiple points of contact for employees to raise allegations of harassing conduct.

1.6.2 In appointing a CAHC, Center Directors shall consider the following qualifications selecting individuals to serve as the CAHC:

- a. An appropriate level of authority within the organization (e.g., GS-14, 15, SES, or ST/SL) and access to Center senior leadership;
- b. Communication skills, including oral, written, and interpersonal, as demonstrated by professional work experience; and
- c. Experience in managing multiple priorities.

1.6.3 The CAHC will not be appointed from within the Center ODEO, to ensure the independence of the anti-harassment process from the EEO complaints process and the integrity of the anti-harassment process, thereby establishing and maintaining a “firewall” between the anti-harassment process and the EEO complaints process, as advised by EEOC, Model EEO Programs Must Have An Effective Anti-Harassment Program.

1.6.4 The Center Director should appoint at least one alternate CAHC to help ensure impartiality and timeliness in the process.

1.6.5 The Center Director shall incorporate the duties of the Coordinator into the incumbent’s annual performance plan.

1.6.6 The Center Director is responsible for ensuring:

- a. The effective functioning of the process at their Center, as identified in this directive.
- b. The appropriate dissemination of information regarding this directive and related Anti-Harassment Program policies, guidance, training, and technical assistance materials, to the

Center workforce.

1.7 Center Anti-Harassment Coordinator (CAHC)

1.7.1 The CAHC shall:

- a. Provide alleged harassees with information on the Anti-Harassment process and other avenues of redress including the right to file an EEO complaint and the timeframe for filing an EEO complaint.
- b. Receive allegations of harassment and convene the CAHT promptly to determine whether the claim will be most effectively addressed by this process. The CAHT will then meet with the relevant decision official and make recommendations.
- c. Acknowledge receipt of the allegations in writing to the alleged harassee as soon as possible (ordinarily within three (3) days), and advise the alleged harassee whether the allegations will be addressed via this process, or an alternative one. ⁵
- d. Assist managers and supervisors in addressing allegations of harassment timely, appropriately, and effectively (e.g., fact finding), as appropriate.
- e. Assist decision makers to take prompt, appropriate, and effective corrective action, if the Agency determines that harassing conduct has occurred.
- f. Serve as the designated chair of the CAHT (see Sec. 1.8).
- g. If the decision maker is not serving as the Fact Finder, consult with the decision maker and other members of the CAHT in designating a Fact Finder.
- h. Ensure that the anti-harassment fact finding is completed in a prompt manner in accordance with the requirements under Sec. 2.1.5 – 2.1.7.
- i. Ensure the Agency maintains case files pertaining to this NPR, in accordance with 5 U.S.C. 552a, NRRS 1441.1, and NPR 1382.1, NASA Privacy Procedural Requirements.
- j. Ensure that AHP case information is entered in the AHP tracking system, including the following (not all will be applicable to every case):
 - (1) Intake.
 - (2) Provision of interim relief.
 - (3) Assignment of the Fact Finder.
 - (4) Initiation of Fact Finding.
 - (4) Referral of additional allegations reported during the Fact Finding, outside of the allegation(s).
 - (5) Completion of Fact Finding.
 - (6) Completion of the Fact-Finding Report.
 - (7) Fact-Finding Report sent to the decision maker.
 - (8) Decision maker issues decision memoranda to both parties.

(9) Corrective action identified.

(10) Corrective action implemented.

(11) Harassment survey provided.

1.7.2 The Center Anti-Harassment Coordinator, working in coordination with the appropriate Center officials, also shall be responsible for:

a. Working in partnership with the Agency Anti-Harassment Coordinator to provide appropriate training on and evaluation of the anti-harassment procedures at the Center level;

b. Publicizing anti-harassment policy and procedures throughout the Center, to ensure that the names and locations of the Agency Anti-Harassment Coordinator and the CAHC at each Center and at Headquarters are readily available, including:

(1) Disseminating Agency anti-harassment policy, procedures, and informational materials Center-wide, including but not limited to, posting on Center Web sites and in common areas around the Center.

(2) Disseminating the name and contact information of the CAHC(s), including on the Center Web site home page and in each Center building in which employees work.

⁵ The CAHC does not need to acknowledge receipt if the employee first reported to another official (e.g., the employee's supervisor).

1.8 Center Anti-Harassment Team (CAHT)

1.8.1 The CAHT convenes as a collaborative body and determines the most effective and efficient process to be used in addressing the matter(s) raised, whether through the Anti-Harassment Process, referral to OCHCO, or another appropriate organization.

1.8.2 The CAHT normally consists of the CAHC, the manager or supervisor serving as the decision maker and representatives from OGC, OCHCO, as well as subject-matter experts from other organizations on an as needed basis (e.g., ODEO).

1.8.2.1 The CAHC serves as the designated chair of the CAHT.

1.8.2.2 The CAHT's representative from OGC provides legal advice, as needed.

1.8.2.3 The CAHT's representative from OCHCO provides advice on human resources matters, as needed.

1.8.2.4 The CAHT's representative from ODEO can provide advice on EEO matters.

1.8.2.5 Representatives from other Center organizations may be consulted and provide expertise on an as-needed basis.

1.8.3 The CAHT shall meet on a regular basis to provide appropriate expertise and consultation in processing cases.

1.8.4 The CAHT advises the decision maker as to whether the AHP is the appropriate venue for case

processing. Factors the decision maker, in consultation with the CAHT, should consider include, but are not limited to:

- a. Whether the allegations pertain to sexual assault or other bodily harm.
- b. Whether another process exists specifically to address the allegation, e.g., the reconsideration process for performance ratings.
- c. Whether the allegation relates to matters delegated under other authorities, for example, waste, fraud, and abuse, which would be referred to the Office of Inspector General; issues of security or clearance, which would be referred to the Office of Protective Services; or a discrete adverse action absent harassing conduct for which an existing administrative mechanism exists, such as a performance appraisal issue or a job classification, which would be referred to the Office of Human Capital Management.

1.8.5 Determine whether the decision maker in the case will be within or outside of the alleged harasser's chain of command.

1.8.6 If an allegation of harassment involves more than one Center, the CAHT for each Center shall work in coordination to identify an appropriate decision maker and Fact Finder.

1.9 Center Office of Diversity and Equal Opportunity

1.9.1 The head of the Center ODEO shall make the CAHC aware of all allegations of harassment raised with the ODEO Office to facilitate the process established in this NPR.

1.9.2 The CAHC will not reside in the Center's ODEO.

1.9.2.1 While Center ODEO staff may provide technical expertise to the CAHT or serve on the CAHT as a subject-matter expert on EEO matters and act as an initial point of contact for employees seeking to address issues of harassment, a "firewall" exists between the anti-harassment process and the EEO complaints process (see also Sec. 1.6.3).

1.9.2.2 To maintain the "firewall," the Center ODEO's role shall be limited to programmatic-level consultation, advice, training, and technical assistance relative to anti-harassment.

1.9.2.3 The Center ODEO will not be involved in any decision as to whether corrective action is warranted.

1.10 Center Office of the Chief Human Capital Officer

1.10.1 The head of the Center OCHCO, or designee:

- a. Provides advice on human resources matters, as needed.
- b. Serves as a member of the CAHT, providing human resources expertise.

1.11 Center Chief Counsel's Office and Headquarters General Counsel

1.11.1 The Center Chief Counsel or designee:

- a. Provides legal advice, as needed.
- b. Serves as a member of the CAHT, providing legal expertise.

1.11.2 At Headquarters, the General Counsel or designee:

- a. Provides legal advice, as needed.
- b. Serves as a member of the CAHT, providing legal expertise.

1.12 Fact Finder

1.12.1 If the decision maker, in consultation with the CAHT, determines not to act as their own Fact Finder (see Sec. 1.2.3(e)), then the decision maker shall appoint a Fact Finder to conduct a thorough fact finding/inquiry into the allegation(s) of harassment.

1.12.1.1 The decision maker may act as his or her own Fact Finder (see Sec. 1.2.3(e)). The determination of whether the supervisor should serve as the Fact Finder is dependent on considerations such as the scope of the inquiry:

- a. The number of witnesses.
- b. Amount of potentially relevant evidence.
- c. The appearance or existence of a conflict of interest.

1.12.1.2 The Fact Finder shall conduct the fact finding, which ordinarily will include interviewing witnesses, preparing witness statements, or collecting documents.

1.12.1.3 Upon the completion of the fact finding, the Fact Finder shall prepare a Fact-Finding Report to be given to the manager or supervisor serving as the decision maker and the CAHT.

a. Except in cases where the Fact Finder is also the decision maker, the Fact-Finding Report shall not include conclusions or recommendations as to whether there has been a finding of a policy violation pursuant to this NPR.

1.12.2 In selecting individuals to serve as Fact Finders, the CAHT shall advise the decision maker to ensure that the Fact Finder is:

- a. Not subordinate to any official involved in the matter being investigated.
- b. Impartial, for example, has no conflict of interest and has no direct involvement in the case, as verified by the CAHT.
- c. Competent to perform the fact finding, as verified by the CAHT, and the Fact Finder.
- d. Possesses appropriate skills and abilities as demonstrated by prior work experience, to include, at a minimum:
 - (1) Demonstrated oral, written, and interpersonal communications skills.
 - (2) Demonstrated ability to work effectively in high-stress situations.

(3) Demonstrated ability to relate effectively to people from diverse backgrounds, perspectives, and life experiences.

e. Appropriately trained on conducting fact findings as evidenced by participation in:

(1) A briefing on relevant program materials (e.g., this NPR and the Anti-Harassment Program Implementation Guide).

(2) Investigative training (e.g., training in EEO investigations and employee relations training) that is focused on critical components of the fact-finding role, such as interviewing and interpersonal skills, developing witness statements, and report writing.

1.12.3 CAHTs should avail themselves of fact-finding expertise from other Centers on an as-needed basis.

Chapter 2. Anti-Harassment Procedures

2.1 Immediate Response

2.1.1 When NASA employees, contractors, student interns, or other onsite personnel believe that they have been the victim of harassment in violation of NASA policy or believe that they have witnessed harassment, shall report the matter immediately to their supervisor, the CAHC, or other official(s) as designated by the Center Director. (See Sec. 1.1.2.)

2.1.2 The supervisor, CAHC or any official to whom the allegation is reported, shall acknowledge receipt of the allegation to the alleged harassee in writing within three (3) days.

2.1.3 Upon receiving an allegation of harassment or witnessing harassing conduct, the supervisor serving as the decision maker shall immediately:

- a. Assess the situation to determine the severity of the alleged misconduct and whether any immediate corrective action is required.
- b. Consult immediately with the CAHC/CAHT, to determine whether a fact finding or other action is warranted.
- c. Where fact finding is warranted, immediately conduct and complete a fact finding with the support and assistance of the CAHT.

(1) The decision maker, in consultation with the CAHT, may instead choose to designate a Fact Finder, depending on the circumstances.

2.1.4 Once the CAHC or decision maker has been put on notice of the alleged harassment, the decision maker shall initiate fact finding within ten (10) days.

2.1.4.1 Initiation of fact finding means that the decision maker, in consultation with the CAHT, is acting as or has designated a Fact Finder and provided instruction to the Fact Finder on:

- a. The scope of the allegations to be investigated.
- b. The identity of parties and witnesses, if any.
- c. Projected timeframes for completing fact finding and providing the report.

2.1.5 The decision maker shall issue the decision no later than 60 days of the allegation being raised, absent extenuating circumstances as documented by the CAHC, for example, the unavailability of a party or key witness due to medical leave.

2.1.5.1 In cases raising multiple issues of harassment and involving numerous witnesses, decision makers should consider involving more than one Fact Finder.

2.1.6 The decision maker, in consultation with the CAHT, may utilize conflict resolution techniques, such as mediation, to address the allegations (see NPR 3713.2B, Alternative Dispute Resolution, which identifies specific parameters on the use of ADR).

2.1.7 If the allegation involves a contract employee being harassed by another contract employee at

a NASA facility, the supervisor or the CAHC shall immediately contact the Director of Procurement for referral to the appropriate contracting official.

2.1.7.1 The CAHC shall work with the Director of Procurement to remain apprised in contractor versus contractor cases until processing of the case is complete and closed.

2.2 Fact-Finding

2.2.1 Fact Finders shall:

a. Conduct, at a minimum, interviews with:

(1) The alleged harassee(s).

(2) The alleged harasser(s).

(3) Witnesses who have relevant information regarding the alleged conduct.

b. Confine fact-finding solely to the allegations of harassment.

c. Refer other allegations brought to their attention during the course of the fact finding to the CAHC, so that the CAHT can advise on whether the issue should be included in the fact finding, or referred to another appropriate office (i.e., ODEO or OCHCO). For example, if a matter pertaining to EEO is raised, the individual raising the matter will be informed that they must contact the ODEO office within 45 calendar days of the alleged discriminatory act or action(s) to initiate the discrimination complaints process. (1) These allegations should be referred to the CAHT to advise the decision maker in making a determination as to how the allegations should be addressed.

d. Document any refusal to cooperate in the fact-finding process and consult with the CAHC regarding any such issues.

e. Complete the fact finding and a written report (Fact-Finding Report) to the decision maker which shall include, at a minimum, a summary of all fact-finding steps taken and evidence gathered, ordinarily within 40 days. In cases where the fact finding is done directly by the decision maker, a report may not be necessary.

2.3 Action to be Taken Upon Completion of the Fact-Finding

2.3.1 The CAHC shall provide a copy of the Fact-Finding Report to the manager or supervisor (where the manager or supervisor does not personally conduct the fact-finding) serving as the decision maker promptly after the fact-finding is completed.

2.3.2 Once the Fact-Finding Report is provided, the decision maker:

a. Immediately reviews the results of the fact finding and determines, in consultation with the CAHT and other officials, as needed, whether a violation of NASA Anti-Harassment policy has occurred and any action that is needed (see Sec. 2.1.6.).

b. Renders a decision ordinarily within ten (10) days of receiving the report, as long as the decision is made within 60 days of the allegation being raised (see 2.1.5).

(1) If making a finding of harassment, the decision maker, in consultation with the CAHT, shall take

appropriate action in accordance with 5 CFR 752.

(2) In the absence of a finding of harassment, the decision maker should consider the need for actions to address the underlying concerns (e.g., additional training, verbal counseling, or the like).

(3) The decision maker shall ordinarily take no action based on the alleged harassee's report of allegations (e.g., transferring the alleged harassee to another office or requiring or withholding telework) without their consent.

2.3.3 The decision maker shall notify the alleged harassee and alleged harasser of the completion and general outcome of the process, consistent with 5 U.S.C. 552a.

2.3.4 All case information will remain confidential to the greatest extent possible, as permitted by law.

2.3.4.1 The CAHT shall take care to ensure the privacy of those involved and information pertaining to the matter will be shared strictly on a "need-to-know" basis.

2.3.4.2 The maintenance of records and any disclosures of information from these records will be in compliance with 5 U.S.C. 552a, NPR 1441.1 and NPR 1382.1.

Appendix A. Definitions

Alleged Harassee. The person(s) raising the allegation of harassment.

Alleged Harasser. The person(s) against whom the allegation of harassment is being raised.

Conflict of Interest. A situation in which a NASA official involved in the processing of a harassment allegation, such as the supervisor, CAHC, or Fact Finder, cannot discharge their duties because of an interest that would create a lack of impartiality.

Decision maker. The NASA supervisor or manager who decides whether the behavior at issue violates the Agency's anti-harassment policy.

Fact Finder. The decision maker, or someone designated by the decision maker, acting in coordination with the CAHC and/or the CAHT to inquire into allegations of harassment, make findings of fact, and write a Fact-Finding Report. The Fact Finder may not be subordinate to any official involved in the matter being investigated.

Fact-Finding. Information gathered regarding allegations of harassment. The extent of the fact finding will vary based on the circumstances of the alleged harassing conduct.

Fact-Finding Report. A written report prepared by the Fact Finder. The information contained in the Fact-Finding Report will include, the authority for conducting fact finding; the purpose and scope of the fact finding; a list or summary of the witnesses interviewed; findings of fact set forth in a narrative addressing all the pertinent evidence; and exhibits in support of every factual assertion except in cases where the Fact Finder is also the decision maker. The Fact-Finding Report shall not include conclusions or recommendations as to whether there has been a finding of a policy violation pursuant to this NPR. The report will be provided to the CAHC and will be kept in the CAHC's case file.

Harassment. Conduct that is unwelcome, verbal or physical, regardless of whether it is based on an individual's race, color, gender, national origin, religion, age, disability, sexual orientation, status as a parent, genetic information, gender identity, or retaliation, when: (a) the behavior can reasonably be considered to adversely affect the work environment or (b) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct. The Agency prohibits employees from engaging in harassing conduct for any reason, regardless of whether the conduct was related to one of the legally protected bases identified above.

Appendix B. Acronyms

AA	Associate Administrator
AHP	Anti-Harassment Program
CAHC	Center Anti-Harassment Coordinator
CAHT	Center Anti-Harassment Team
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
NPR	NASA Procedural Requirements
OCHCO	Office of the Chief Human Capital Officer
ODEO	Office of Diversity and Equal Opportunity
OGC	Office of the General Counsel